

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHYSICAL THERAPY  
EXAMINERS

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IN THE MATTER OF THE  
SUSPENSION OR REVOCATION OF  
THE LICENSE OF

KELLY MAHON, P.T.A.  
LICENSE NO. 40QB00212600

TO PRACTICE PHYSICAL THERAPY  
IN THE STATE OF NEW JERSEY

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: Administrative Action  
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: FINAL ORDER  
: OF DISCIPLINE  
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This matter came before the New Jersey State Board of Physical Therapy Examiners (“the Board”) upon information that the respondent has failed to complete a total of thirty (30) credits of continuing education in approved physical therapy courses during the period of February 1, 2006 through January 31, 2008, as required for the 2008-2010 biennial license renewal pursuant to N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. Based upon information received and which the Board has reviewed, the following preliminary findings are made:

FINDINGS OF FACT

1. Respondent is a physical therapist assistant in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On January 25, 2008, the respondent submitted her completed application for renewal of license as a physical therapist assistant in the State of New Jersey.

3. The respondent affirmed on the renewal application for the 2008-2010 renewal period that she will have completed the required continuing education by the period preceding the established renewal date of February 1, 2008.

3. On April 25, 2008, the Board of Physical Therapy Examiners initiated a random audit of renewal applications for the 2008-2010 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., thirty (30) credit approved hours. The audit letter was sent by certified mail, return receipt requested, to the respondent's address of record and was received by the respondent on May 1, 2008.

4. Respondent submitted correspondence to the Board received on May 19, 2008 in response to the Board's audit which indicated that she had completed twenty (20) continuing education credits within the biennial renewal period. Specifically, respondent submitted a Continuing Education Tracking Form indicating completion of the following courses: "Therapeutic Approaches to Dementia" on September 9, 2005, sponsored by Cross Country Education in New Jersey, for six (6) continuing education credits; "Physical Agent Modality Basis" on December 12, 2006, for five (5) continuing education credits; "Fall Prevention" on September 20, 2007, for three (3) continuing education credits; "Pain Management" on February 5, 2008, for three (3) continuing education credits all sponsored by ACP in Pennsylvania; and "Therapeutic Electrical Stimulation" in September 2007, sponsored by Summit Professional Education in Pennsylvania, for three (3) continuing education credits. Upon review, the Board noted that the only pre-approved course submitted by the Respondent was "Therapeutic Approaches to Dementia" for six (6) continuing

education credits.

5. On August 21, 2008, the Board issued a letter asking the Respondent to submit proof with regard to courses not pre-approved by the Board and submitted by the Respondent for continuing education credit as required by N.J.A.C. 13:39A-9.3. Specifically, the Board requested a copy of the course outline and a copy of the curriculum vitae of the lecturer or lecturers for the courses “Therapeutic Electrical Stimulation”; “Physical Agent Modality Basis”; “Fall Prevention”; and “Pain Management.” In addition, the Board requested a copy of the respondent’s certificate for “Therapeutic Electrical Stimulation,” and proof that the courses “Physical Agent Modality Basis”; “Fall Prevention”; and “Pain Management” were in compliance with N.J.A.C. 13:39A-9.3(h), to be submitted by the respondent no later than October 1, 2008. This letter was also sent by certified mail, return receipt requested to the Respondent’s address of record and was received by the Respondent as evidenced by her signature on the receipt which is not dated.

6. Respondent failed to respond to the August 21, 2008 letter sent by the Board.

### CONCLUSION OF LAW

Respondent has not satisfied the requirements of N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. with regard to the completion of the appropriate number of approved continuing education credit hours and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

## DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline requiring Respondent to pay a civil penalty of seven hundred and fifty dollars (\$750.00) for violation of the above regulations was entered on July 14, 2009, and a copy was served on the Respondent by UPS on August 11, 2009 and was received and signed for on August 12, 2009 at 2:50pm. The Provisional Order also stated that Respondent's license would be suspended by Final Order in the event that Respondent failed to submit proof of having completed the requisite thirty (30) hours of continuing education credits within thirty (30) days of the date of receipt of the Final Order. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Respondent requested a modification or dismissal of the stated Finding of Fact and Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent declined to reply or present any submissions to the Board in response to the Provisional Order of Discipline. The Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The credits for continuing education must be obtained biennially by each holder of an active license during the period preceding the established license renewal date as required by N.J.S.A. 45:9-37.18 (a) 10. Thus, the Respondent must have completed her thirty (30) credits by January 31, 2008. The Board determined that the Respondent

failed to submit proof of additional credits on a timely basis as the proofs presented indicated that Respondent satisfied only six (6) of the required thirty (30) credits within the preceding license renewal period. The Respondent failed to submit any additional correspondence indicating completion of any outstanding credits between August 21, 2008 and September 15, 2009.

Upon review of all available information, the Board finds that Respondent has failed to complete thirty (30) continuing education credits, as required for the 2008-2010 biennial license renewal pursuant to N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. The Board requires the Respondent to provide further documentation indicating completion of the twenty-four (24) outstanding credits. The Board affirmed its previous determination ordering Respondent to pay a seven hundred fifty dollar (\$750.00) civil penalty and temporarily suspending Respondent's license in the event that Respondent fails to submit proof of having completed the requisite thirty (30) hours of continuing education credits within thirty (30) days of the date of receipt of the Final Order.

**THEREFORE, IT IS ON THIS 22nd DAY OF SEPTEMBER, 2009, ORDERED: \**

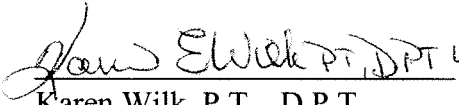
1. Respondent shall pay a civil penalty of seven hundred fifty dollars (\$750.00) pursuant to N.J.S.A. 45:1-25 for violation of N.J.S.A. 45:9-37.18 (a) 10, N.J.A.C. 13:39A-9.1 et. seq. and N.J.S.A. 45:1-21(h) as evidenced by your failure to satisfy the continuing education requirements. Payment is to be remitted by means of a certified check or money order, payable to the New Jersey State Board of Physical Therapy Examiners. Such payment is to be sent to the Board of Physical Therapy Examiners, attention Lisa Petrowski, Executive Director at 124 Halsey Street, Sixth Floor, Post Office Box 45014, Newark, New Jersey 07101, no later than ten (10) days from the receipt of the Final Order.

2. Respondent must submit proof of having completed the twenty-four (24) outstanding hours of continuing education credits within thirty (30) days of the date of the receipt of the Final Order. **These continuing education credits are NOT to be used to renew Respondent's license for the 2010-2012 renewal period.**

3. In the event that Respondent fails to present the proofs as required by paragraph #2, by the date provided, the license of Respondent shall be suspended, by operation of the Final Order, and shall remain suspended until Respondent submits proof that she has fully complied with all continuing education requirements.

4. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, and upon review of the record, the Board shall not be limited to the findings of facts and conclusions of law and sanctions herein.

NEW JERSEY STATE BOARD  
OF PHYSICAL THERAPY EXAMINERS

By:  PT, DPT 400A00560100  
Karen Wilk, P.T., D.P.T.  
Chair